

Assembly Bill No. 769

Passed the Assembly September 2, 2009

Chief Clerk of the Assembly

Passed the Senate August 31, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 8236 of, and to add Section 8235.5 to, the Education Code, relating to state preschool.

LEGISLATIVE COUNSEL'S DIGEST

AB 769, Torres. State preschool.

Existing law requires applicants or contracting agencies that operate a state preschool program to give first priority for participation to neglected or abused children who are recipients of child protective services, or recipients who are at risk of being neglected or abused, as specified.

This bill would state findings and declarations regarding children of youth that are in custody, on probation, or are in the foster care system. The bill would require priority for participation in state preschool programs also to be given to children who have a biological custodial parent who is, or who has been within the previous 6 months, a dependent or ward of the juvenile court pursuant to specified provisions of law. The bill would prohibit priority enrollment from being used to displace children who are currently receiving care.

The people of the State of California do enact as follows:

SECTION 1. Section 8235.5 is added to the Education Code, to read:

8235.5. (a) The Legislature finds and declares that children of youth that are in custody, on probation, or are in the foster care system are at high risk of developmental delays and other cognitive, social, and emotional difficulties.

(b) The Legislature further finds and declares that there is sufficient evidence to suggest that stressful prenatal experiences and even the physical and mental condition of parents prior to conception impact brain development and future well-being.

(c) The Legislature further finds and declares that by extending eligibility for other programs and services to those most in need, specifically, the dependents of youth who are under court

supervision, the public would enjoy future savings in education, health care, mental health, social services, and criminal justice.

SEC. 2. Section 8236 of the Education Code, as amended by Section 4 of Chapter 308 of the Statutes of 2008, is amended to read:

8236. (a) (1) Each applicant or contracting agency funded pursuant to Section 8235 shall give first priority to three- or four-year-old neglected or abused children who are recipients of child protective services, who are at risk of being neglected, abused, or exploited upon written referral from a legal, medical, or social service agency, or children who have a biological custodial parent who is, or who has been within the previous six months, a dependent or ward of the juvenile court, pursuant to Section 300, 601, or 602 of the Welfare and Institutions Code. If an agency is unable to enroll a child in this first priority category, the agency shall refer the child's parent or guardian to local resource and referral services so that services for the child can be located. Priority enrollment shall be granted when slots become available, but shall not be used to displace children who are currently receiving care.

(2) Notwithstanding Section 8263, after children in the first priority category set forth in paragraph (1) are enrolled, each agency funded pursuant to Section 8235 shall give priority to eligible four-year-old children prior to enrolling eligible three-year-old children. Each agency shall certify to the Superintendent that enrollment priority is being given to eligible four-year-old children.

(b) For California state preschool programs operating with funding that was initially allocated in a prior fiscal year, at least one-half of the children enrolled at a preschool site shall be four-year-old children. Any exception to this requirement shall be approved by the Superintendent. The Superintendent shall inform the Secretary for Education and the Department of Finance of any exceptions that have been granted and the reasons for granting the exceptions.

(c) The following provisions apply to the award of new funding for the expansion of the California state preschool program that is appropriated by the Legislature for that purpose in any fiscal year:

(1) In an application for those expansion funds, an agency shall furnish the Superintendent with an estimate of the number of

four-year-old and three-year-old children that it plans to serve in the following fiscal year with those expansion funds. The agency also shall furnish documentation that indicates the basis of those estimates.

(2) In awarding contracts for expansion pursuant to this subdivision, the Superintendent, after taking into account the geographic criteria established pursuant to Section 8279.3, and the headquarters' preferences and eligibility criteria relating to fiscal or programmatic noncompliance established pursuant to Section 8261, shall give priority to applicant agencies that, in expending the expansion funds, will be serving the highest percentage of four-year-old children.

(d) This section does not preclude a local educational agency from subcontracting with an appropriate public or private agency to operate a California state preschool program and to apply for funds made available for the purposes of this section. If a school district chooses not to operate or subcontract for a California state preschool program, the Superintendent shall work with the county office of education and other eligible agencies to explore possible opportunities in contracting or alternative subcontracting to provide a California state preschool program.

(e) This section does not prevent eligible children who are currently receiving services from continuing to receive those services in future years pursuant to this chapter.

Approved _____, 2009

Governor